SOUTHERN DISTRICT OF NEW YORK		
UNITED STATES OF AMERICA,	X : :	
-against-	:	Docket No. 15-cf-643 (PKC)
JASON GALANIS, et al.,	:	
Defendants.	: : X	

NOTICE OF MOTION

PLEASE TAKE NOTICE that the defendant, Jason Galanis, *pro se*, respectfully moves this Court to vacate his conviction, pursuant to Federal Rule of Criminal Procedure 33(b)(1), on the basis of newly-discovered evidence. In particular, as a result of my August 11, 2017, sentencing in case number 16-cr-371, before the Honorable Ronnie Abrams, I have been made aware of the ineffective-assistance rendered to me by my attorneys in *this* case (15-cr-643) in failing to advise me regarding a joint plea offer made to me by the government on July 19, 2017. *See Lafler v. Cooper*, 566 U.S. 156 (2012); *Missouri v. Frye*, 566 U.S. 134 (2012); *see also Strickland v. Washington*, 466 U.S. 668 (1984). The facts regarding my attorneys' deficient representation in this case, as well as the subsequent prejudice I suffered primarily in the 16-cr-371 case, are detailed in my accompanying declaration. These facts — particularly, the facts of my plea and sentencing in the 16-cr-371 case — were not available to me at the time this Court accepted my guilty plea on July 26, 2016.

My direct appeal of this matter is currently pending in the Second Circuit. *See* Docket No. 17-629. Accordingly, I am aware the instant motion cannot be granted until after the Second Circuit has remanded the case. *See* Fed. R. Crim. P. 33(b)(1). Nevertheless, I make this motion

at the present time so as to ensure its timeliness, to evidence the facts of the ineffective-assistance rendered to me by my plea attorneys, and to provide the Second Circuit with the option of a remand in order to remedy the denial of my Sixth Amendment right to counsel. This Court has jurisdiction over the present motion, notwithstanding the pendency of my direct appeal. *See United States v. Cronic*, 466 U.S. 648, 667 n.42 (1984); *United States v. Jiau*, 545 Fed. Appx. 34, 36 (2d Cir. 2013).

Date: September 2017

Jason Galanis *pro se*Register No. 80739-198

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